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OFFICE OF PETITIONS

In re Application of :
Werner et al. :
Application No. 10/072,739 : DECISION ON PETITION
Filed: 02/08/2002 :
Attorney Docket No. 19264.0007U2 :

This is a decision on the petition under 37 CFR 1.181, filed August 28, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

On December 29, 2005, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period for reply. Extensions of time were permitted under the provisions of 37 CFR 1.136(a). In the absence of a timely filed reply, the Office mailed a Notice of Abandonment on July 11, 2006.

Petitioners asserted that they submitted a timely reply to the nonfinal Office action, which contained a certificate of mailing dated June 29, 2006. Petitioners submitted a copy of the previously mailed reply in the form of an amendment and an extension of time for response within the third month (and fee), bearing a certificate of mailing dated June 29, 2006. Additionally, petitioners provided a copy of the return date-stamped postcard receipt acknowledging receipt of "Amendment (16 pages), Request for Three Month Extension of Time (2 Pages), Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$3,620.00, and a Certificate of Mailing dated June 29, 2006" in the USPTO on July 3, 2006.

Upon further review, the amendment, the request for an extension of time for response within the third month and the credit card authorization, accompanied by a certificate of mailing dated June 29, 2006, have been located in the Image File Wrapper for this application. Accordingly, the response is considered timely filed on June 29, 2006. See 37 CFR 1.8(a).

The petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted.

The matter is being referred to Technology Center Art Unit 2821 for a review of the reply filed on July 3, 2006 (certificate of mailing dated June 29, 2006).

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

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